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Dkt. 43016-B/JPW/AKM/JKM #15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Philip O. Livingston and Friedhelm Helling
U.S. Serial No.: 08/477,097 Group Unit: 1806
Filed : June 7, 1995 Examiner: A. Caputa
For : GANGLIOSIDE-KLH CONJUGATE VACCINES PLUS QS-21

1185 Avenue of the Americas
New York, New York 10036
May 2, 1997

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

COMMUNICATION REQUESTING A SECOND CORRECTED FILING RECEIPT AND
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Communication is filed to request a corrected Filing Receipt in connection with the above-identified application. Applicants previously filed a Communication To Correct Error In Filing Receipt with the U.S. Patent and Trademark Office on November 13 1995, attached hereto as Exhibit A.

Upon receipt of the Corrected Official Filing Receipt for the subject application, a copy of which is attached hereto as Exhibit B, applicants' undersigned attorney noticed an error.

Applicants hereby respectfully request that a second Corrected Filing Receipt be issued. Specifically, after "CONTINUING DATA AS CLAIMED BY APPLICANT-", the following now appears:

"THIS APPLN IS A CON OF PCT/US94/00757 01/21/94
WHICH IS A CON OF 08/009,268 01/22/93 ABN"

A corrected Filing Receipt should read as follows:

--THIS APPLN IS A CON OF PCT/US94/00757 01/21/94
WHICH IS A CIP OF 08/009,268 01/22/93 ABN--
260 NJ 05/20/97 08477097
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Applicants contend that the change to the Filing Receipt is due to a clerical error made by the PTO and that the correct continuation information of the subject application may be found in Communication To Correct Error In Filing Receipt filed on November 13, 1995. In the November 13, 1995 Communication, applicants requested that the filing receipt be changed to state that the subject application is a continuation of PCT/US94/00757, filed January 21, 1994 which is a continuation-in-part of U.S. Serial No. 08/009,268, filed January 22, 1993, now abandoned. Accordingly, applicants request that a second corrected Filing Receipt be issued.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56(c) and §1.97(c), applicants would like to direct the Examiner's attention to the following disclosure which is listed on the attached Form PTO-1449 (Exhibit 1) and attached hereto as Exhibits 2-6:

1. Helling, F., et al. (March 1993) "Increased immunogenicity of GM2 conjugated with KLH and used with adjuvants in patients with melanoma." Proceedings Of The 84th Annual Meeting Of The American 34: 491 (Exhibit 2);
2. Helling, F., et al. (August 1993) "Construction of immunogenic GD-3 conjugate vaccines." Annals Of The New York Academy Of Sciences 690: 396-397 (Exhibit 3);
3. Helling, F., et al. (1994) "GD3 vaccines for melanoma superior immunogenicity of keyhole limpet hemocyanin conjugate." Cancer Research 54: 197-203 (Exhibit 4);
4. Bystryn, J-C (1990) "Tumor vaccines." Cancer And Metastasis Reviews 9: 81-91 (Exhibit 5); and

5. Ritter, G., et al. (1990) "Induction of antibodies reactive with GM2 ganglioside after immunization with lipopolysaccharides for *Campylobacter jejuni*." Int. J. Cancer 66: 184-190 (Exhibit 6).

The references, enclosed as Exhibits 2-5, were cited in the Supplementary European Search Report issued in connection with European Application No. 94 90 7279.7, filed August 22, 1995, corresponding to PCT International Application No. PCT/US94/00757, filed January 21, 1994. The subject application is a continuation application of PCT/US94/00757. A copy of the Supplementary European Search Report is attached hereto as Exhibit 7.

The reference, enclosed as Exhibit 6, was cited by the New Zealand Patent Office during the substantive examination of New Zealand Application No. 261744, filed July 28, 1995, corresponding to PCT International Application No. PCT/US94/00757, filed January 21, 1994. The subject application is a continuation application of PCT/US94/00757.

Applicants maintain that the subject invention is novel and nonobvious over the teachings disclosed in the above-identified publications. Accordingly, applicants maintain that the above-identified publications neither disclose nor suggest the invention claimed in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the \$230.00 fee under 37 C.F.R. §1.17(p), is deemed necessary in connection with the filing of this

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Communication Requesting A Second Corrected Filing Receipt and Supplemental Information Disclosure Statement. However, if any other fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Albert Wai Kit Chan

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Albert Wai Kit Chan 5/2/97
Albert Wai-Kit Chan Date
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